



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

December 3, 2009

Ms. Sandy Trevaskis
TPDDG Jackson Associates, LLC
21550 Highway 88
Pine Grove, California 95665

RECORDABLE DOCUMENT FOR REMOVAL OF LAND USE COVENANT (LUC)
2009-0005183-00 FOR SOUTH EUREKA MINE, SUTTER CREEK, CALIFORNIA

Dear Ms. Trevaskis:

Enclosed is the notarized document for the removal of the LUC for the South Eureka Mine Site, south of Ridge Road. The subject LUC is being removed from the property because three additional LUC are currently recorded on the individual impacted parcels. Removing the subject LUC will remove the LUC from parcels that are not impacted and restrictions are in force on the impacted parcels by the other LUCs (2009-0009193, 2009-0009192 and 2009-0009191).

Please record the document with the County Clerk/Recorder Department, Amador County within ten (10) days of the execution date of the Covenant. After recording, the original signed document shall be returned to the Department of Toxic Substances Control at:

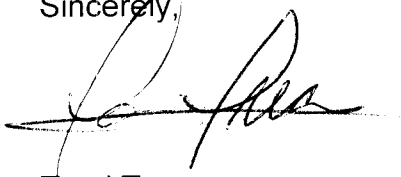
Attention: Tami Trearse
Project Manager
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826

If you have any questions, please contact me (916) 255-3747. Your cooperation in this matter is greatly appreciated.

Mr. Dwight Hoenig

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Sincerely,

A handwritten signature in black ink, appearing to read 'Tami Trearse', written over a horizontal line.

Tami Trearse
Engineering Geologist
Brownfields and Environmental Restoration Program

Enclosure

RECORDING REQUESTED BY:

Sandra Trevaskis, Dean Trevaskis, Brian E.
Drake, Brian J. Drake, Michael Glavenich c/o
TPDDG Jackson Associates, L.L.C.
21550 Highway 88
Pine Grove, California 95665

WHEN RECORDED, MAIL TO: Department of
Toxic Substances Control
8800 Cal Center Drive
Sacramento California 95826
Attention: Project Manager 101765
Brownfields and Environmental Restoration
Program

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

RELEASE OF LAND USE COVENANT AND ENVIRONMENTAL RESTRICTION
Recorded: June 23, 2009, Document # 2009-0005183-00

The grantor of this Release is the Department of Toxic Substances Control (the "Department") and the grantees are Sandra Trevaskis, Dean Travaskis, Brian E. Drake, Brian J. Drake and Michael Glavenich (the "Owners").

RECITALS

A. This Release pertains to property situated in Amador County, State of California, described in Exhibits "A" and "B" (the "Property") attached hereto. The Property is also generally described as Amador County Assessor's Parcel Numbers: 044-020-102, 044-020-103, 044-020-104, 044-020-105, 044-020-106 and 044-020-107.

B. The Department and Owners previously entered into a Covenant to Restrict Use of Property and Environmental Restriction for the Property recorded on June 23, 2009. ("June 2009 Covenant").

C. The June 2009 Covenant was a part of the remediation of the Property under the supervision and authority of the Department. The Property was remediated pursuant to a Removal Action Workplan (RAW) dated February 7, 2007 prepared and approved pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code. The Department generally concluded that arsenic remained in the soil at the Property above unrestricted cleanup goals. The Department further concluded that the Property did not present an unacceptable threat to human health or safety of the environment, if limited to commercial or industrial use.

D. Since the recordation of the June 2009 Covenant, the boundaries of the City of Sutter Creek have changed to include portions of the Property. The Owners of the Property

have requested that the Department release the June 2009 Covenant , recognizing that the boundaries of individual parcels within the Property have changed, and that some of the individual parcels within the Property do not have arsenic above unrestricted cleanup goals. The Owners further requested that the June 2009 Covenant covering the entire Property be released, and that Covenants to Restrict Use of Property and Environmental Restriction be entered into for the applicable individual parcels within the Property.

E. Subsurface soil on Amador County APNs: 044-020-104, 044-020-106 and 044-020-107 contain levels of arsenic above that which is considered acceptable for unrestricted use. Three separate covenants were recorded on November 16, 2009, document numbers: 2009-0009193, 2009-0009192 and 2009-0009191 that continue the restriction of the parcels.

RELEASE

The Department hereby releases the Covenant to Restrict Use of Property and Environmental Restriction recorded June 23, 2009 in the Amador County, Document # 2009-005183-00. This Release is explicitly for the Document # 2009-005183-00. This Release does not apply to any other Covenants to Restrict Use of Property and Environmental Restrictions entered into between the Department and the Owner. This Release shall be effective upon the date that the Release is recorded in the official records of the County of Amador, State of California.

Department of Toxic Substances Control

By: 

Tami Trearse

Brownfields and Environmental Restoration Program

Date: 12/23/09

See the attachment for history map

Consented to by:

By: _____

Date: _____

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sacramento

On 12-23-09 before me, Manmeet Walia, Notary Public,
(Here insert name and title of the officer)

personally appeared Tami Patricia Tenease

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT

Release of Land Use Covenant
(Title or description of attached document)

Environment & Resources
(Title or description of attached document continued)

Number of Pages 2 Document Date 12-23-09

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

By: _____ Date: _____ +
Sandra Trevaskis, member

By: _____ Date: _____
Dean Trevaskis, member

By: _____ Date: _____
Brian E. Drake, member

By: _____ Date: _____
Brian J. Drake, member

By: _____ Date: _____
Michael Glavenich, member